



CHAPTER clxxxix.

An Act to reconstitute the deputies of the "Resident
" Freeman and Freeman's Widows of the Borough of
" Leicester" and to amend the Act passed in the
8th and 9th years of the reign of Her Majesty Queen
Victoria constituting such deputies. [2nd August 1898.]

A.D. 1898.

WHEREAS an Act was passed in the year one thousand eight hundred and forty-five intituled "An Act to repeal so much of an Act for enclosing lands in the parish of Saint Mary in or near the borough of Leicester as relates to the regulation and management of the freemen's allotments and to make other provisions in lieu thereof" (herein-after in this Act referred to as "the Act of 1845") And whereas by the said Act certain provisions were made for the annual election of certain deputies by the freemen and freemen's widows of the borough of Leicester and for the ordering and management of the properties vested in them by the said Act or otherwise and with respect to the powers duties and liabilities of such deputies :

And whereas it is expedient to alter the number of deputies under the said Act and to alter and amend the provisions of the said Act relating to the election of such deputies and also to transfer to such deputies the properties powers duties and liabilities of the existing deputies :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Leicester Freeman's Act 1898. Short title.

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Interpreta-
tion.

2. In this Act unless the context otherwise requires—

“Existing deputies” mean the deputies for the time being elected in pursuance of the Act of 1845;

“The deputies” mean the deputies for the time being to be appointed pursuant to the provisions of this Act;

“The Court” means the High Court of Justice.

Acts to
be read
together.

3. The Act of 1845 and this Act shall be read and construed together as one Act and may be cited together as the Leicester Freeman's Acts 1845 and 1898 and wherever in the Act of 1845 the purposes powers or provisions of or the execution of that Act are referred to the same shall be deemed to include the purposes powers and provisions and execution of this Act.

New body
of deputies
to act.

4. For the purposes of acting on behalf of the freemen of the borough of Leicester resident within the said borough or the precincts or liberties thereof and the widows of such freemen being so resident in the management of the properties mentioned and comprised in the Act of 1845 and vested in such deputies by such Act or otherwise and in the execution of the provisions of such Act and of this Act there shall be a body of twenty-one deputies to be elected pursuant to the provisions for that purpose in this Act contained.

Incorporation of
deputies.

5. The deputies elected under the provisions of this Act shall be a body corporate by the name of “The deputies of the resident freemen and freemen's widows of the borough of Leicester” with perpetual succession and a common seal and with power to acquire and hold lands for the purpose of their constitution without any licence in mortmain.

Proceedings
not invalidated
by vacancy.

6. No act or proceeding of the deputies shall be questioned on account of any vacancy in their body.

Deputies to
be elected
by freemen
&c.

7.—(1) The deputies shall be elected by the freemen and freemen's widows whose names shall be on the register to be kept in pursuance of the provisions of this Act in force at the date of any such election.

(2) No person shall be qualified to be elected a deputy unless at the time of such election his name is on the register of freemen to be kept in pursuance of this Act and unless he be a house-keeper and shall have been resident in the borough of Leicester for at least six calendar months immediately preceding the day of election and no person shall be qualified to be elected a deputy whilst he shall be an undischarged bankrupt.

(3) Any deputy who becomes bankrupt or who is continuously absent from the borough of Leicester for more than six months

shall cease to be a deputy and his office shall thereupon become vacant. A.D. 1898.

8. The first election of deputies shall take place on the second Tuesday in the month of March one thousand eight hundred and ninety-nine at which election twenty-one deputies shall be elected and the election of deputies to supply the place of deputies who will go out of office in pursuance of the provisions of this Act shall take place on the second Tuesday in the month of March in each subsequent year. Time of elections.

9. A register containing the names of all freemen and freemen's widows resident within the borough of Leicester shall be prepared annually in accordance with the rules set out in the First Schedule to this Act. Register of freemen and freemen's widows.

10. Notice of each election shall be given and the nomination of candidates for the office of deputies shall be conducted in accordance with the rules set out in the Second Schedule to this Act. Notice of elections.

11. If the number of valid nominations exceeds that of the vacancies the deputies shall be elected from among the persons nominated. Relation of nomination to election.

If the number of valid nominations is the same as that of the vacancies the persons nominated shall be deemed to be elected.

If the number of valid nominations is less than that of the vacancies the persons nominated shall be deemed to be elected and such of the retiring deputies as were highest on the poll at their election or if the poll was equal or there was no poll as are selected for that purpose by the deputies at their then next meeting shall be deemed to be re-elected to make up the required number.

If there is no valid nomination the retiring deputies shall be deemed to be re-elected.

12. If the election of deputies is not contested the returning officer shall publish a list of the persons elected (other than retiring deputies to be selected by the deputies as herein-before provided) not later than eleven o'clock on the morning of the day of the election. Publication of uncontested election.

13. If the election of deputies is contested a poll shall be taken and shall be conducted in accordance with the rules set out in the Third Schedule to this Act. Poll.

14. Where at a contested election an equality of votes is found to exist between any candidates and but for such equality one or more of the candidates would fail to be elected the returning officer Equality of votes.

A.D. 1898. shall determine by lot which of the candidates whose votes are equal shall be elected.

Questions to be put to voters.

15.—(1) At an election of deputies the presiding officer may and if required by a candidate shall put to any person offering to vote at the time of his presenting himself to vote but not afterwards the following questions or either of them :—

(A) Are you the person entered in the register as follows? (Read the whole entry in the register.)

(B) Have you already voted at the present election at this or at any other polling station?

(2) The vote of a person required to answer either of these questions shall not in any case be received until he has answered it.

(3) If any person wilfully makes a false answer thereto he shall be guilty of a misdemeanor.

(4) Save as by this Act authorised no inquiry shall be permitted at an election of deputies as to the right of any person to vote.

Offences in relation to nomination papers.

16. If any person forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the presiding officer or his clerk any forged nomination paper knowing it to be forged he shall be guilty of a misdemeanor and shall be liable to imprisonment for any term not exceeding six months with or without hard labour.

As to polling stations &c.

17. The returning officer shall provide such polling stations (not less than four) and such ballot boxes ballot papers stamping instruments copies of register of voters and other things as may be necessary and may appoint and pay such presiding officers or other persons to assist him in conducting and completing the election as may be necessary and all expenses incurred by him of and incident to such election shall be repaid to him by the deputies out of the moneys for the time being in their hands and any dispute as to the amount of such expenses shall be determined by two justices who shall have power to fix the costs attending such determination and to order by whom the same shall be paid.

Clerk to be returning officer.

18. The returning officer for the purpose of election of deputies shall be the clerk of the deputies for the time being.

If the office of clerk is vacant at the time when any duty relative to the election has to be performed by the returning officer or if the clerk from illness or other sufficient cause is unable to perform such duty the deputies shall appoint some other person to act as returning officer or to perform such of the duties of the returning officer as then remain to be performed as the case may be.

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19. An election shall not be invalidated by non-compliance with the rules set out in the schedules to this Act so long as such non-compliance did not affect the result of the election.

As to non-compliance with rules.

20. The returning officer shall count the votes which shall have been validly given and shall ascertain the number of votes for each candidate and the candidates to the number to be elected who have obtained the greatest number of votes shall be deemed and be certified by the returning officer under his hand to be elected and the returning officer shall forthwith send and deliver to each candidate a notice of his election and shall prepare and cause to be made a list containing the names of the candidates together with the number of votes given to each and the names of the persons elected and shall sign and certify such list. The returning officer shall place the counterfoils of the ballot papers in a sealed packet and the same shall not be opened except by order of the deputies.

Returning officer to certify persons elected.

21. As from the thirty-first day of December one thousand eight hundred and ninety-eight sections 2 3 and 5 of the Act of 1845 shall be and are hereby repealed.

Repeal of sections 2 3 and 5 of Act of 1845.

22. The appointed day for the purposes of the going out of and coming into office of deputies under this Act (herein-after referred to as "the appointed day") shall be the third Tuesday in March and the deputies appointed at the first election under this Act shall come into office on the appointed day in the year one thousand eight hundred and ninety-nine.

Appointed day for coming into office.

23. The deputies elected in pursuance of the provisions of this Act shall subject to the provisions of this section continue in office for three years and shall go out of office on the appointed day except in the case of casual vacancies which shall be filled up in manner herein-after provided.

Period of office.

On the appointed day in the year one thousand nine hundred and on the appointed day in every subsequent year seven deputies shall go out of office. On the appointed day in the year one thousand nine hundred the seven deputies to go out of office shall be those who shall have received the least number of votes at the first election held in pursuance of this Act and on the appointed day in the year one thousand nine hundred and one the seven deputies to go out of office shall be those who shall have received the next lowest number of votes at the first election held under this Act and in case two or more deputies shall have received the same number of votes the deputy or deputies who shall go out of office shall be the deputy or deputies whose name or names shall be last in alphabetical order.

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On the appointed day in the year one thousand nine hundred and two and in every subsequent year the seven deputies who have been longest in office without re-election shall go out of office.

Deputies
to be re-
eligible.

24. A person ceasing to be a deputy shall if qualified be re-eligible.

Casual
vacancies.

25. In the case of any casual vacancy among the deputies occurring by death resignation or otherwise or in the case of the number of deputies nominated being less than the number to be elected and there not being a sufficient number of retiring deputies willing to be re-elected such vacancy shall be filled up or such number shall be made up to the proper number by the election of a deputy or deputies by the deputies themselves and a meeting for such election shall be summoned by the clerk to the deputies for such date as he may prescribe.

A deputy so appointed shall come into office immediately upon his election and shall retain his office so long as the vacating deputy would have retained the same if no vacancy had occurred.

Transfer of
powers and
property.

26. Subject to the provisions of this Act all the powers rights duties and liabilities vested in or exerciseable by or imposed on the existing deputies are on and from the appointed day in the year one thousand eight hundred and ninety-nine hereby transferred to and vested in and shall be exerciseable by the deputies to be elected in pursuance of the provisions of this Act and any reference in the Act of 1845 to deputies or their officers or servants shall after that date be deemed to refer to the deputies so elected or their officers or servants as the case may be and all real and personal estate whatsoever and wheresoever (including things in action) at that date vested in or belonging to the existing deputies are hereby vested in the deputies to be elected in pursuance of the provisions of this Act as from that date to the same extent and for the same estate and interest as the same were previously vested in the existing deputies and may be held and enjoyed sued for and recovered dealt with and disposed of by the deputies subject and according to the provisions of the said Act of 1845 as amended by this Act.

Dissolution
of existing
deputies.

27. The persons who were deputies elected in pursuance of the Act of 1845 immediately before the passing of this Act shall continue in office until the appointed day in the year one thousand eight hundred and ninety-nine and as from that date the existing deputies shall be dissolved and shall be released from all further duties obligations and liabilities in relation to the management of the properties vested in them or to the execution of the powers of the Act of 1845.

28. Notwithstanding the incorporation of the deputies and except only as is by this Act otherwise expressly provided—

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Incorporation not to affect rights &c.

(1) Everything before the appointed day in the year one thousand eight hundred and ninety-nine done suffered and confirmed respectively shall be as valid as if this Act had not been passed and such incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done suffered and confirmed respectively and to all rights liabilities claims and demands both present and future which if such incorporation had not happened and this Act had not been passed would be incident to or consequent on any and everything so done suffered and confirmed respectively Provided always that the generality of this provision shall not be restricted by any other provision of this Act:

(2) All deeds conveyances grants assurances assignments leases purchases sales mortgages bonds covenants agreements securities and contracts entered into or made and subsisting at the said appointed day and then in force and all obligations and liabilities incurred before the said appointed day shall be as binding and of as full force and effect in every respect against or in favour of and may be enforced as fully and effectually against or in favour of the deputies as a body corporate as they would or might have been against or in favour of the existing deputies if this Act had not been passed:

(3) Any action suit prosecution or other proceeding commenced before the said appointed day either by or against the existing deputies or any person representing them shall not abate or be discontinued or prejudicially affected by this Act but on the contrary shall continue and take effect both in favour of and against the deputies or such person as their representative:

(4) Every officer and servant appointed by virtue of or acting under the Act of 1845 shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer and servant of the deputies until he be removed from such office and employment and he shall have the like power and authority for the purposes of the Act of 1845 and this Act respectively and be subject to the like power of removal rules regulations pains and penalties as if he had been appointed after the said appointed day.

29. The deputies elected in pursuance of this Act shall hold their first meeting at seven o'clock in the evening on the appointed day in the year one thousand eight hundred and ninety-nine at some convenient place in the borough of Leicester to be appointed by the existing deputies and an annual meeting of the deputies

First meeting of deputies.

A.D. 1898. shall be held on the third Tuesday in March in every subsequent year at such time and place as the deputies shall fix.

Deputies to
appoint
chairman
and vice-
chairman.

30. The deputies shall at their first meeting and at their annual meeting in every subsequent year choose one of their members to be chairman and one other of their members to be vice-chairman and the members so chosen shall continue in office until the next annual meeting at which the chairman and vice-chairman are to be chosen pursuant to the above provision.

If any casual vacancy occurs in the office of chairman or vice-chairman the deputies shall as soon as conveniently may be after the occurrence of such vacancy choose one of their members to fill such vacancy and every chairman or vice-chairman so chosen shall continue in office so long only as the person in whose place he is chosen would have been entitled to continue in office.

Quorum.

31. To constitute a meeting of deputies there must be at least nine deputies personally present and sections 6 28 and 31 of the Act of 1845 shall as from the appointed day in the year one thousand eight hundred and ninety-nine be read and have effect as if the word "nine" had been substituted for the word "five" in such sections respectively.

Amendment
of certain
sections of
Act of 1845.

32. As from the appointed day in the year one thousand eight hundred and ninety-nine the Act of 1845 shall be read and have effect as if—

- (1) There were omitted from section 4 thereof the words "residing in the parish for which any such election may have taken place" and the words "entitled to vote at such election" were substituted in lieu thereof;
- (2) There were omitted from section 4 thereof the words "under the provisions of this Act" and the words "or unto any two or more of the newly or last elected deputies";
- (3) There were omitted from section 22 thereof the words "at their then last meeting";
- (4.) There were omitted from section 36 thereof all the words from the words "which said accounts" to the end of the section:

And notwithstanding anything contained in section 4 of the Act of 1845 any election held for the election of a deputy or deputies in the room of a deputy or deputies whose election shall be declared invalid shall be held in like manner and with the like notices and subject to the provisions of this Act prescribed in the case of annual elections.

33. The deputies may enter into contracts with any persons in the execution of the trusts or powers of the Act of 1845 as amended by this Act and every such contract shall be in writing and the power hereby granted to the deputies to enter into contracts may lawfully be exercised as follows:—

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As to
contracts.

Any contract which if made between private persons would be by law required to be in writing and under seal the deputies may make in writing under their common seal to be affixed at a meeting of the deputies and countersigned by two of the deputies and the clerk of the deputies ;

Any other contract the deputies may make in writing signed by any three of the deputies acting by the direction and on behalf of the deputies and countersigned by the clerk of the deputies ;

All conveyances and leases of lands made in pursuance of the powers of the Act of 1845 shall be made by the deputies by deed under the common seal of the deputies to be affixed in manner herein-before enacted by this section and such deed shall be countersigned by two deputies and the clerk in manner aforesaid ;

And all contracts deeds or documents made or executed according to the provisions herein-before contained shall be effectual in law and binding on the deputies and their successors in office.

34. The deputies may compound with any party who has entered into any such contract or against whom any action or suit has been brought for recovery of any penalty contained in such contract or in any bond or security for the performance thereof or on account of any breach or non-performance of any such contract bond or security for such sums of money or other recompense as the deputies may think proper.

Power to
compound
for breach
of contract.

35. All accounts required by section 36 of the Act of 1845 to be kept together with the vouchers relating thereto shall be submitted annually to and audited by an auditor to be appointed by the deputies who shall be a chartered accountant practising in the borough of Leicester.

Accounts.

36. All costs charges and expenses of and incidental to the preparing for and obtaining and passing of this Act or in any way relating or incidental to the same and all other costs charges and expenses whatsoever incidental to and from time to time to be incurred or sustained by the deputies or any officer to be appointed by them in carrying out the several provisions and trusts of the

Costs of
Act.

A.D. 1898.

Act of 1845 or of this Act or of acting in the management or defence of such trusts or of the properties subject thereto or of and in relation to any matter incidental thereto shall be paid by the deputies out of the rents and annual revenue and other moneys derived from the lands and property or investments vested in or belonging to them or out of the proceeds of the sale of any lands or moneys in court or other property vested in them.

The SCHEDULES referred to in the foregoing Act. A.D. 1898.

FIRST SCHEDULE.

1. The clerk to the existing deputies shall previous to the fourteenth day of October one thousand eight hundred and ninety-eight and the clerk to the deputies shall previous to the fourteenth day of October in every subsequent year prepare a list containing the names and addresses of all freemen and freemen's widows resident within the borough of Leicester. In case of the omission from such list of the name of any person whose name appears on the register of freemen and freemen's widows as settled and signed for the then last preceding election the clerk to the deputies shall within seven days next after the said fourteenth day of October give notice in writing of such omission to such person if living.

2. Such list shall be printed and hung up in the office of the clerk of the deputies for fourteen days immediately succeeding the fourteenth day of October in each year and during that time may be inspected without charge by any person claiming to be a freeman or freeman's widow.

3. Any freeman or freeman's widow may by notice delivered or sent to the clerk of the deputies during such fourteen days object to the retention or omission of any name on the list or any matter entered in or omitted from the list and claim to have any such thing altered or corrected.

4. Any person making an objection shall at the same time send a copy of his objection to the person (if any) thereby affected.

5. On or before the first day of December following the publication of the list the existing deputies or the deputies as the case may be shall hear and decide on every objection and for that purpose shall examine any person and call for such evidence as they may think fit.

6. No objection shall be heard by such deputies which shall not have been made and of which notice shall not have been given as by this schedule required.

7. Such deputies shall expunge from the list the name of any person who shall be proved to their satisfaction not to be a freeman or freeman's widow resident within the borough of Leicester and shall settle the list and their decision shall be final and conclusive on all parties without appeal.

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8. The returning officer shall place a distinctive number against the name of every voter in the list as settled by the deputies and shall sign the list and the list so settled and signed shall be the register of freemen and freemen's widows entitled to vote at the election of deputies under the provisions of this Act.

9. A printed copy of the register shall be supplied to any freeman or freeman's widow requiring the same on payment of the sum of sixpence.

SECOND SCHEDULE.

1. The returning officer shall not less than fourteen days before the day appointed by him for delivery to him of the nominations cause a notice to be sent by post to each freeman and freeman's widow whose name shall be on the register specifying—

- (A) The names of the retiring deputies ;
- (B) The place where forms of nomination may be obtained ;
- (C) The place where and the day upon or before which the nominations are to be delivered or sent to him ; and
- (D) The day on which in the event of a contest the poll will be taken.

2. Every candidate for the office of deputy must be nominated in writing.

3. The nomination paper shall state the name and address of the person nominated and be subscribed by a freeman or freeman's widow whose name is on the register then in force as proposer and by another such freeman or freeman's widow as seconder and shall also be signed by the candidate himself to testify his consent to the nomination.

4. Each candidate must be nominated by a separate nomination paper but the same person may subscribe as many nomination papers as there are vacancies to be filled but no more.

5. The nomination of any person who is not qualified to be elected a deputy shall be deemed invalid.

6. The returning officer shall provide nomination papers and shall supply any voter with as many nomination papers as may be required and shall at the request of any voter fill up a nomination paper.

7. Every nomination paper subscribed as aforesaid must be delivered by the candidate or his proposer or seconder at the office of the clerk to the deputies ten days at least before the day of election and before five o'clock in the afternoon of the last day appointed for delivery of nomination papers.

8. The returning officer shall forthwith send notice of every such nomination to each candidate.

9. The returning officer shall number the nomination papers in the order in which they are received by him and the first valid nomination paper received for a candidate shall be deemed to be the nomination of that candidate.

10. The returning officer shall as soon as practicable after the receipt of any nomination paper examine the same and decide whether it has or has not been

properly filled up and signed and whether it is or is not invalid His decision A.D. 1898.
that a nomination paper has been so filled up and signed and is or is not
invalid as aforesaid shall be final and shall not be questioned in any proceeding
whatever.

11. If the returning officer shall decide that a nomination paper is invalid he shall put a note on it to that effect stating the grounds of his decision and he shall sign such note.

12. After deciding that the nomination of any candidate is valid or invalid the returning officer shall as soon as practicable send by post or otherwise notice of his decision to the candidate.

THIRD SCHEDULE.

1. The returning officer shall at least four days before the day of election give public notice of the situations divisions and allotment of polling stations for taking the poll at the election and a description of the persons entitled to vote at the several polling stations.

2. No person shall be admitted to vote at any polling station except that allotted to him for such purpose.

3. The vote shall be given by ballot.

4. Every person entitled to vote may vote for any number of candidates not exceeding the number of vacancies.

5. The ballot of each voter shall consist of a voting paper showing the names and descriptions of the candidates Each voting paper shall have a number printed on the back and shall have attached a counterfoil with the same number printed on the face and shall be in the same form or as near thereto as circumstances will permit as the voting papers at contested municipal elections At the time of voting the presiding officer shall mark on the counterfoil the voter's number on the register and shall place a mark on the copy register against the number of the elector to denote that he has received a ballot paper The voter having secretly marked his vote on such voting paper and folded it up so as to conceal his vote shall place it in a closed box in the presence of the officer presiding at the polling station.

6. Any ballot paper on which votes are given to more candidates than the voter is entitled to vote for or on which anything (except the number on the back) is written or marked by which the voter can be identified shall be void and not counted.

7. The poll shall open at noon and close at eight p.m. on the same day.

8. After the close of the poll the ballot boxes shall be sealed up so as to prevent the introduction of additional ballot papers and shall be taken by the presiding officers to the returning officer.

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9. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as such elector the applicant shall upon duly answering the questions contained in the section of the foregoing Act of which the marginal note is "Questions to be put to voters" be entitled to mark a ballot paper in the same manner as any other voter but the ballot paper shall be of a colour differing from the other ballot papers and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register and set aside in a separate packet and shall not be counted by the returning officer.

10. A voter who has inadvertently spoiled his ballot paper may on delivering the same to the presiding officer obtain another ballot paper in the place of the ballot paper so delivered up and the spoiled paper shall be immediately cancelled.

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